

Egyptian Regional Human Rights Authority
Meeting Minutes
May 27, 2014

The regular meeting of the Human Rights Authority (HRA) was held at Pagliai's Pizza (Meeting Room), 509 South Illinois Ave, Carbondale, IL. Chairperson Clarence Russell called the meeting to order at 5:16 p.m. and read the confidentiality statement. A quorum was present.

Members Present: Clarence Russell, Jim Livesay, Sue Barfield, Pam O'Connor, Judy Atherton, Paul Jones and Al Farmer

Members Absent: Mary McMahan

Staff Present: Kim Conway

Guests: Ginger McBride and Rebecca Lewey

Minutes: Jim Livesay made a motion to approve the March 25, 2014 meeting minutes. Pam O'Connor seconded and it carried.

Communications: Kim Conway discussed the Illinois Guardianship Association (IGA) training held in Springfield on May 22, 2014 and also shared the resignation letter of HRA board member Sharon Mumford.

Ratifications: **14-110-9015 Choate Mental Health and Developmental Center** – The case was opened at the March 25, 2014 meeting but upon further review, the HRA did not have a signed release from the recipient who was the subject of the investigation. Kim Conway attempted to obtain one after the March meeting, but a release was not received. It was discussed whether the HRA wanted to ratify to keep the case open to look at the general allegations or close it due to no release being received. Paul Jones made a motion to ratify the case allegations to address the general issues, Judy Atherton seconded and it carried.

New Complaints:

14-110-9014 Community Mental Health Agency – This case was tabled at the March 25, 2014 meeting to make some initial inquiries with a release of information to see if this is a case the HRA could accept or not. It alleges that the agency is overcharging for counseling services for a couple, one of which is court ordered to attend group counseling sessions. The couple does not have earned income. Upon initial inquiries it was discovered that this couple has a “spend down” they have to meet before Medicaid will pay. The agency does bill Medicaid each time, but when it comes back as “spend down not met” they have to bill the clients. The agency had made a payment agreement with the couple and has not denied services. Sue Barfield made a motion to not accept the case due to it being beyond the scope of the authority to investigate. Pam O'Connor seconded and it carried.

14-110-9016 Community Developmental Disabilities Agency – The complaint alleges that the agency is not providing adequate job assistance (vocational rehabilitation). Prior to the March HRA meeting, the guardian decided not to pursue as the agency had agreed to work with the guardian and client to address the issue. The board voted to table closure for follow up to ensure

agency compliance with their verbal agreement. Kim Conway spoke with the guardian who said nothing has been resolved but he did not wish to the case at this time due to some family medical issues and also to keep the recipient in an un-agitated state. The guardian said he would contact the HRA if he decided to pursue a case in the future. Pam O'Connor made a motion to not accept the complaint due to not having a signed release of information. Judy Atherton seconded and it carried.

14-110-9017 State Operated Mental Health Facility – The complaint alleges that the “step down” from restraints procedure which is outlined in a recipient’s treatment plan is not being followed and that the recipient was inappropriately suspended from rehabilitation classes due to another recipient helping him research and prepare legal documents. The HRA obtained a signed release. Pam O'Connor made a motion to accept the complaint for investigation. Jim Livesay seconded and it carried.

14-110-9018 State Operated Mental Health Facility – The complaint alleges that services are not being provided in the least restrictive environment. The recipient is placed at the facility inappropriately and a nursing home type environment would be more appropriate due to the fragile nature of the recipient. The HRA obtained a signed release. Sue Barfield made a motion to accept the case for investigation. Paul Jones seconded and it carried.

14-110-9019 State Operated Mental Health Facility – The complaint alleges that access to private telephone communication is not being allowed. The HRA obtained a signed release. Judy Atherton made a motion to accept the case for investigation. Pam O'Connor seconded and it carried.

14-110-9020 State Operated Mental Health Facility – The complaint alleges that a recipient is not being served in the least restrictive environment. He has been at the facility for approximately 6 years. The allegation is that when the recipient gets close to meeting a goal set by the treatment team as a requirement for discharge, the recipient is provoked to act out, causing a delay in discharge. Also, others are not required to meet the same discharge requirements that this recipient is and recipients who have more behavioral issues are being discharged while this recipient is not. We have a signed release. Pam O'Connor made a motion to accept the case for investigation. Jim Livesay seconded and it carried.

Other New Business: The HRA reviewed the board member applications of Gabriel Martin, Ginger McBride and Rebecca Lewey to fill the vacancies left by Judy Atherton and Sharon Mumford. The new board members’ terms will be effective July 1, 2014. Guests Ginger McBride and Rebecca Lewey answered questions and discussed their applications with the HRA and then left the meeting.

Unfinished Business: A motion was made by Judy Atherton to enter closed session at 6:30 p.m. Paul Jones seconded and it carried. The following summary of items was discussed in closed session: Case progress was reviewed for case # 14-110-9009. The draft reports were reviewed for cases #13-110-9035, 13-110-9038 and 14-110-9005. Case closures were considered for cases #13-110-9010; 13-110-9029; 13-110-9030; 13-110-9034 and 14-110-9008. Jim Livesay made

a motion to return to open session at 7:24 p.m. having taken no action in closed session, Paul Jones seconded and it carried.

Case Progress Reports:

14-110-9009 Choate Mental Health and Developmental Center – Mary McMahan, Jim Livesay and Kim Conway conducted one site visit on April 16, 2014 where they interviewed staff and conducted a partial chart review. On May 2, 2014 Mary McMahan and Kim Conway conducted a second site visit where they met with the recipient, interviewed a social worker at the facility and completed the chart review. The case is still under investigation.

Report of Findings:

13-110-9035 Healthcare and Family Services – The board reviewed the draft report of findings. Jim Livesay made a motion to approve the draft report as stated and send it to the provider. Judy Atherton seconded and it carried.

13-110-9038 Choate Mental Health and Developmental Center – The board reviewed the draft report of findings. Pam O'Connor made a motion to approve the draft report as stated and send it to the provider. Sue Barfield seconded and it carried.

14-110-9005 H Group – The board reviewed the draft report of findings. Some wording changes were requested. Judy Atherton made a motion to approve the draft report as revised and pending review and send it to the provider. Pam O'Connor seconded and it carried.

Case Closures:

13-110-9010 Choate Mental Health and Developmental Center – At the March 25, 2014 meeting, the HRA requested additional information from the facility in response to the HRA's report of findings. Kim Conway, Jim Livesay and Mary McMahan met with the facility director on April 16, 2014 and requested additional information to share with the board. This information was not received prior to the May 27, 2014 meeting. Judy Atherton made a motion to table case closure for additional information to be received. Jim Livesay seconded and it carried.

13-110-9029 Choate Mental Health and Developmental Center – At the March 25, 2014 meeting, the HRA requested additional information from the facility in response to the HRA's report of findings. Kim Conway, Jim Livesay and Mary McMahan met with the facility director on April 16, 2014 and requested additional information to share with the board. This information was not received prior to the May 27, 2014 meeting. Pam O'Connor made a motion to table case closure for additional information to be received. Judy Atherton seconded and it carried.

13-110-9030 Choate Mental Health and Developmental Center - At the March 25, 2014 meeting, the HRA requested additional information from the facility in response to the HRA's report of findings. Kim Conway, Jim Livesay and Mary McMahan met with the facility director

on April 16, 2014 and requested additional information to share with the board. This information was not received prior to the May 27, 2014 meeting. Judy Atherton made a motion to table case closure for additional information to be received. Pam O'Connor seconded and it carried.

13-110-9034 Massac County School District – The board discussed the district's response to the report of findings. The board had several concerns with the responses and was also concerned that the school district may not have fully understood the recommendations. The board was also concerned about the district incorrectly identifying someone as the complainant in their response and if the district's response is made public as they requested, then it would be a breach of confidentiality. Judy Atherton made a motion to table case closure for clarification of the school district's response and to address the possible breach of confidentiality in the district's response. Jim Livesay seconded and it carried.

14-110-9008 Choate Mental Health and Developmental Center - At the March 25, 2014 meeting, the HRA requested clarification on the facility's response to the HRA report of findings. Kim Conway, Jim Livesay and Mary McMahan met with the facility director. Kim Conway shared the additional information with the board. The board had no further concerns. Judy Atherton made a motion to accept the response, close the case and make the report a part of the public record.

Other Unfinished Business: The board reviewed the executive minutes from January, 2013 through March, 2014 and determined that they should all remain confidential.

The HRA discussed the board member applications and determined that since board member Paul Jones has retired and therefore is now a citizen board member, that one of the vacancies could be filled by a service provider member but the other would need to be a citizen member. The HRA voted unanimously to recommend Ginger McBride to fill the citizen member vacancy, pending acceptance. The HRA then voted by majority to recommend Gabriel Martin to fill the provider member vacancy, pending acceptance, with Al Farmer abstaining from voting due to not having met Mr. Martin. Kim Conway agreed to notify the applicants and forward their applications to the HRA Director, Teresa Parks and the IGAC Director, Mary Milano for final approval.

A motion was made by Pam O'Connor to re-enter closed session at 7:53 p.m. to discuss confidential information regarding case progress, draft reports and case closures involving Chester Mental Health Center. Sue Barfield seconded and it carried. The HRA returned to open session at 8:30 p.m. having taken no action in closed session. The following summary of items was discussed in closed session: Case progress was reviewed for Cases #13-110-9039; 14-110-9006; 14-110-9007; 14-110-9011; 14-110-9012 and 14-110-9013. Draft reports were reviewed for Cases #13-110-9036; 13-110-9037; 13-110-9040; 13-110-9041; 14-110-9001 and 14-110-9002. Case closures were considered for Cases #13-110-9008; 13-110-9028 and 13-110-9033.

Case Progress Reports:

13-110-9039 - Chester Mental Health – On April 29, 2014 Kim Conway checked with the OIG on the status of their investigation regarding this same recipient and incident. Its investigation has not yet concluded. The HRA may need to review the outcome of the outside investigation before concluding the case since the allegation involves staff not preventing abuse from occurring. The case is still under investigation.

14-110-9006 Chester Mental Health - The chart review was completed and the records requested have been received. The case is ready for a report.

14-110-9007 Chester Mental Health – The recipient was found fit and discharged. The chart review was completed. The case is ready for report.

14-110-9011 Chester Mental Health - The chart review was completed. All records requested have been received. The case is ready for a report.

14-110-9012 Chester Mental Health - The chart review was completed. All records requested have been received. The case is ready for a report.

14-110-9013 Chester Mental Health - The chart review was completed. Staff interviews need to be conducted. The case is still under investigation.

Reports of Findings:

13-110-9036 Chester Mental Health – The draft report was reviewed. Jim Livesay made a motion to approve the draft report as stated and send it to the provider. Judy Atherton seconded and it carried.

13-110-9037 Chester Mental Health - The draft report was reviewed. Jim Livesay made a motion to approve the draft report as stated and send it to the provider. Judy Atherton seconded and it carried.

13-110-9040 Chester Mental Health – The draft report was reviewed. Jim Livesay made a motion to approve the draft report as stated and send it to the provider. Judy Atherton seconded and it carried.

13-110-9041 Chester Mental Health – The draft report was reviewed. Jim Livesay made a motion to approve the draft report as stated and send it to the provider. Judy Atherton seconded and it carried.

14-110-9001 Chester Mental Health - The draft report was reviewed. Jim Livesay made a motion to approve the draft report as stated and send it to the provider. Judy Atherton seconded and it carried.

14-110-9002 Chester Mental Health - The draft report was reviewed. The board requested that some wording changes be made to the report. Jim Livesay made a motion to approve the draft report as revised and send it to the provider. Judy Atherton seconded and it carried.

Case Closures

13-110-9008 Chester Mental Health – The chart was reviewed on April 24, 2014 to ensure the treatment plan had been updated as per Chester's response to the report of findings. Judy Atherton made a motion to close the case and make the report a part of the public record. Sue Barfield seconded and it carried.

13-110-9028 Chester Mental Health – The board reviewed the facility's response to the HRA's recommendations. Pam O'Connor made a motion to accept the response, close the case and make the report a part of the public record. Jim Livesay seconded and it carried.

13-110-9033 Chester Mental Health – The board reviewed the facility's response to the HRA's recommendations. The board discussed a possible discrepancy in the proposed revised policy and the requirements of the Illinois Administrative Code regarding reporting allegations of abuse to the Office of Inspector General. The board requested that the closure letter sent to the facility include a statement regarding the possible discrepancy. Sue Barfield made a motion to accept the response, close the case with a letter being sent to the facility director regarding the possible discrepancy and make the report a part of the public record. Jim Livesay seconded and it carried.

Other Unfinished Business:

The next meeting is scheduled for 5:00 p.m. on July 22, 2014 at Illinois Guardianship & Advocacy Commission, Anna, IL.

Judy Atherton made a motion to adjourn the meeting at 8:32 p.m. Jim Livesay seconded and it carried.

Respectfully Submitted,
Pam O'Connor, Secretary